

Summary  
Water Pollution Control Board  
Harrison County Courthouse  
300 North Capitol Avenue  
County Commissioners and Councils Room  
Corydon, Indiana  
Wednesday, November 14, 2007

**1. CALL TO ORDER**

Chairperson Gary Powdrill called the meeting to order at 1:56 p.m. A quorum was present.

Members present: Gary Powdrill (Chairperson); Jim Flannery; Ken Hedge; Dave Wagner; Ron McAhron (substitute proxy for Lt. Governor Becky Skillman); Howard Cundiff (proxy for Dr. Judith A. Monroe, IDOH); Jim Ray (proxy for Robert E. Carter, IDNR); and, Pam Fisher (proxy for Nathan J. Feltman, Sec. of IEDC).

Present for IDEM: Thomas Easterly, IDEM Commissioner; Bruno Pigott, Assistant Commissioner, Office of Water Quality (OWQ); Martha Clark Mettler, Deputy Assistant Commissioner, OWQ; and Jody Arthur, Watershed Planning Branch, OWQ.

**2. INTRODUCTION OF BOARD MEMBERS**

Chairperson Powdrill apologized for the late start and thanked Tom Tucker, President of the Harrison County Regional Sewer District (RSD), and Steve Hall and Rob Huckaby, representing the firm of FMSM Engineers, consultants for the Harrison County RSD, for the morning informational session. He then had the board members introduce themselves and their affiliations.

**3. APPROVAL OF SUMMARY**

Chairperson Powdrill called for the approval of the September 12, 2007, board summary. A motion was made and seconded to approve the September 12, 2007, board summary.

**4. REPORTS**

Mr. Bruno Pigott provided an update on the progress IDEM has made in reducing the NPDES permit backlog. For example, he indicated that in 2005, the backlog of major municipal permits was 43. That number has since been reduced to 3 remaining unissued permits. Chairman Powdrill stated that IDEM has made dramatic improvement in reducing the backlog and he and Bruno will select a chart to be provided to the board in the future to continue to track progress.

Mr. Pigott gave briefings on agency rulemakings: (1) CAFO Date Extension, Sewer Bans, and Combined Sewer Overflows have all been final adopted; (2) Arsenic will move forward after the NPD is drafted; (3) Antidegradation has developed a workable process that is currently being introduced to stakeholders for feed back; (4) Chloride Variance will be second noticed in December; (5) Revisions to the Sulfate water quality standard rulemaking was posted to the Indiana Register on November 14<sup>th</sup>; (6) CSO NPDs are out for public circulation; and (7) Sewer Bans NPD is being worked on.

Chairman Powdrill asked about the Sunset rulemakings. The commissioner stated that the current law is confusing and it would be better for the law to be changed. He acknowledged that the Sunset law is silent as to any requirement for IDEM to publish a notice of the rules the agency intends not to readopt. Chairman Powdrill suggested that the law being silent

allows the agency an option to make a statement in some manner about rules intended to be allowed to expire. Chairman Powdrill and Mr. David Wagner suggested putting a statement in the board packets about what the agency intends to let expire. Since the board packets are available on the agency's Web site, the public can access the information through that route.

## **5. PRESENTATION**

Mr. J.R.Eckard, Harrison County Commissioner, and consultants Mr. Bob Woosley and Mr. Dan Lee provided the board with an overview of the activities of the Harrison County Regional Sewer District. The RSD formed in 2003, beginning with a feasibility study including evaluation of populations served by municipal sewers (25%) and septic systems (75%) and storm water issues. As an example of the challenges within the RSD's boundaries, the Indian Creek Watershed encompasses 256 square miles, covering parts of Clark, Floyd, and Harrison Counties, and has been determined to contain approximately 15,000 sinkholes.

## **6. RULE ACTION**

### E.coli – single sample maximum (#06-573)

Chairman Powdrill stated the Public Hearing would be opened and continued to the December 12, 2007 WPCB meeting at 1:30 P.M. EDT, in the Indiana Government Center South Building, Indianapolis, Indiana. Ms. Martha Clark Mettler explained that U.S.EPA had asked belatedly for some changes to the rule language so there had not been time for the rulemaking workgroup to review the requested changes or to include the changes in the documents provided to the WPCB members in the board packets. Ms. Clark Mettler explained that EPA is concerned that the language proposed for final adoption does not provide sufficient consistency with Federal requirements for establishing effluent limits and tying them back to the recreational standard. She said EPA is not concerned with the concept to allow not more than ten percent (10%) of all samples to exceed the single sample maximum for demonstrating compliance with permit limits.

There were no public comments made at the hearing.

### Wastewater Operator Certification (#06-179)

Mr. Pigott provided an overview of the rulemaking. After questions from the board, no members of the public requested to address the board. Chairman Powdrill closed the Public Hearing.

Mr. Wagner, who was a member of the rulemaking workgroup, stated he feels the draft rule addresses the concerns that prompted the initiation of rulemaking. After a motion, the board unanimously preliminarily adopted the Wastewater Operator Certification rulemaking.

## **7. PRESENTATIONS**

Ms. Jody Arthur gave a PowerPoint presentation on the Updated List of Impaired Water under Section 303(d) of the CWA. Ms. Arthur announced the public comment period would be extended from December 26, 2007 to January 31, 2008. Board members discussed the 303(d) list with Ms. Arthur.

Ms. Clark Mettler asked Ms Arthur to explain further about her method of soliciting existing water quality data.

Commissioner Easterly and Mr. Wagner asked that the report on the 303(d) list include the number of stream miles of impairments in addition to the number of impaired stream segments currently included in the report.

Mr. Bowden Quinn, representing the Hoosier Chapter of the Sierra Club, gave a presentation on the club's efforts to protect the Lost River. The National Sierra Club has adopted the Lost River as one of only 52 areas it has selected in the USA for protection. The Lost River's uniqueness concerns its existence in karst terrain and a nine mile portion of the river that disappears underground into the karst. In order to protect the Lost River, the Sierra Club has negotiated a land exchange so that the river is included within the boundary of the Hoosier National Forest. The extent of the Hoosier National Forest cannot be expanded so a land exchange was necessary. Mr. Quinn emphasized that simply buying the Lost River won't protect its water quality due to the karst terrain being a conduit to contamination. Mr. Quinn pointed out that, except for the CAFO rule, karst terrain is not much mentioned in Indiana's water rules, and he further emphasized that CAFOs probably should not be allowed to be located in karst at all.

Board members discussed Lost River with Mr. Quinn.

#### **8. OPEN FORUM**

Mr. Quinn stated that the Sierra Club, Hoosier Chapter and IKE (Improving Kids Environment) submitted comment letters during the first notice comment period for the Sunset rulemakings on IDEM's failure to notice its intention to allow the rules to expire and, furthermore, requested IDEM not allow 327 IAC 11 (i.e., State Environmental Policy) to expire. Mr. Quinn asked IDEM to explain the reason to allow the rules to expire.

Before adjourning the meeting, Chairman Powdrill described Conference Room 32, IGCS, where the WPCB will hold its meetings in 2008.

#### **9. ADJOURNMENT**

Thereafter, Chairperson Powdrill adjourned the WPCB meeting at 5:02 p.m.

The next WPCB meeting is scheduled for Wednesday, December 12, 2007, Indiana Government Center South, Conference Room A at 1:30 p.m. E.S.T.

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**CHAIRPERSON**

A court reporter recorded this meeting. A typewritten transcript of the entire meeting is on file in the Office of Water Quality, Indiana Department of Environmental Management.